

53. (Unamended) A computer program product stored on a computer readable medium for intermediation of real time meetings, the computer program product comprising:

program code for receiving an indication that a requester party wants to request a real time meeting with one or more target parties;

program code for receiving information indicating the availability of the requester party and one or more target parties to participate in the real time meeting;

program code for determining that the requester party and one or more target parties are mutually available to participate in the real time meeting, in response to the received information; and

program code for initiating the real time meeting, responsive to the determination that the requester party and one or more target parties are mutually available to participate in the real time meeting.

REMARKS

In the above-referenced Office Action, the Examiner rejects claims 1-16, 28-49, and 53. The Examiner indicated that he had withdrawn claims 50-52 from consideration on the merits.

Applicant has amended claim 1 and has amended claim 42 to correct a typographical error noted by the Examiner.

Objections and Administrative Matters

In the fourth paragraph, the Examiner indicated that Publication No.: 0 557 777 A1 contained in the information disclosure stated filed April 28, 2000 was not considered because it is not in the English language and no translation was submitted. Applicant respectfully submits that the English translation of the Publication No.: 0 557 777 A1 was submitted at the USPTO in the Supplemental Information Disclosure Statement filed July 14, 2000, and was so identified at that time. Applicant has received initialed form 1449 attached to the Information Disclosure Statement of April 28, 2000.

In the fifth paragraph, the Examiner requested that the Applicant revise the abstract of the disclosure because lines 10-11 of the abstract allegedly appear to reference the restricted elements of the pending claims. Applicant respectfully disagrees with the Examiner, since none of the restricted claims recite that some embodiments allow the user to choose from among queued requests. Applicant, however, has amended the abstract as requested in order to expedite prosecution. 37 CFR 1.72 states that "[t]he purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure. The abstract will not be used for interpreting the scope of the claims." Applicant's amendment to the Abstract should not be used for the purposes of claim interpretation.

In paragraph 6, the Examiner objected to the specification due to informalities. Applicant amended the specification accordingly. No new matter has been added by the amendments.

In paragraphs 8 and 9, the Examiner objected to Drawings. Figure 2(d) is amended to delete reference numeral "222". Applicant kindly requests that the Examiner approve corrections to the drawing as indicated by the attached drawing sheet for Figure 2(d) marked-up in red ink in accordance with MPEP § 608.02(p). In addition, Applicant amended the specification to add the reference numerals 402, 404, 412, and 414 shown in Fig. 4. No new matter has been added by these amendments.

Substantive Rejections

The Examiner rejected claims 1-44, 49, and 53 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,389,127 to Vardi et al. (hereinafter Vardi). This rejection encompasses all independent claims under consideration.

Applicant's invention as recited in claim 1, for example, is a computer-implemented method for the intermediation of real time meetings. As described in Applicant's specification the claimed invention solves the problems involved when people play "phone tag" – a first person calls a second, who is not available, and when the second person calls the first, then the first person is not available, and so on. Thus, at

least one embodiment of Applicant's invention is directed to the problem of detecting the mutual simultaneous availability of a group of two or more people who are queued to talk to one another. It is important to understand that in the present invention, the parties do not learn each other's status. One drawback of a system such as Vardi is that the sought parties must agree to send their status to any system that asks for it, if they are to have a call connected with those parties. This is not always desirable.

In an embodiment of the invention, normal operation is that the party who wants the call starts sending status to a decider, which can be, for example, a system operated for or by the target. This status is sent by the requester when a call (not a status of the target) is first requested. It is important to note that requesting a call is different from requesting a target's status (as is done in Vardi). In Applicant's invention, the target does not, and is unable to request the status of the caller, and the caller does not and is not able to request the status of the target. Indeed, in at least one embodiment, the caller never sees the status of the target until such time as it is decided both parties are in and the connection is made, which implicitly reveals that status. Applicant's invention does not contain a "presence server" style system, described in Vardi because there are no status requests.

To understand Applicant's invention, it is important to understand its queue. When party A requests to call party B, all that happens at first is that the parties remember this request. A's remembering it triggers A's system to send B the status when it changes, and B remembering it causes a "decider" (for example, on B's system) to accept those requests and combine them with its knowledge of B's status to make a decision. In certain embodiments, the decider can also be separate from B's system, and thus also be receiving B's status as it changes.)

Existing systems do not have a means to allow party A to call party B when A is not known to B — other than by having B give up all privacy and offer status to anybody who requests it. Vardi seems to disclose such a system, in addition to a system that validates the seeking party before the sought party sends a status. Thus, in Vardi, party A

can request to put B on her buddy or contact list and thus see B's status, but only if B consents after the fact or if B consents to the whole world seeing his status. } *

In Vardi, Party A can not push herself onto B's buddy list without B's consent, to thus show B her status. B must again manually consent, or be willing to allow the world to add themselves to his list. As described below, Applicant's queue solves this problem.

Specifically, claim 1 recites:

receiving an indication by a requester system that a requester wants to request a realtime meeting with a target;
sending to the target a request to conduct a real time meeting;
queuing the request by the requester system; and
connecting the requester and the target when the requester and the target are mutually available.

Applicant disagrees with the Examiner's contention that Vardi's status request from a seeker to a sought system corresponds to claim 1's recitation of sending to the target a request to conduct a realtime meeting. As noted, in Vardi, once a status is received by the seeker, a request for a call still needs to be placed. The portions of Vardi cited by the Examiner discloses sending a request for a status, not for a meeting/call. Vardi discloses a separate request for a call-back after a status is requested.

In addition, the portions of Vardi cited by the Examiner do not disclose the recited queue. The term "queue" does not appear in Vardi and Applicant disagrees that the portions cited by the Examiner disclose the claimed queue of requests.

In the invention of claim 1, the system generates a queue of requested calls (as opposed to status requests or call-back requests). The system then operates on these queued requested calls by sending a status, causing it to be sent, rather than causing it to be requested, as in Vardi.

Independent claim 9 recites at least the queue.

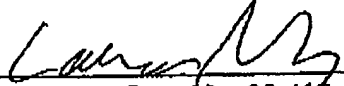
The other remaining independent claims recite at least that the requester sends status as a result of its request for a call. } \$

The pending dependent claims depend variously from the independent claims discussed above and are patentable for at least the reasons discussed above.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

Paragraph beginning on page 4, line 29:

System 100 also includes an operating system (not shown). A person of ordinary skill in the art will understand that the memory 104 and computer readable media 124 may contain additional information, such as other application programs, operating systems, other data, etc., which are not shown in the figure for the sake of clarity. It will be understood that data processing system 100 (or any other data processing system described herein) can include numerous elements not shown in Fig. 1(a), such as additional data, software and/or information in memory, disk drives, keyboards, display devices, network connections, additional memory, additional CPUs or processors, input/output lines, etc.

Paragraph on page 16, line 29:

Call-Waiting

Not only can trusted people get through when the user is holding calls, they can even get through when he is on the phone (see for example Figs. 9(a)-9(c)). This embodiment tells the user who the caller is, and allows in most cases a quick text message or reply, similar to instant messaging, implementation of which is known to persons skilled in the art. In at least one embodiment, no beep sounds and thus, a person on the other end of the phone during a currently occurring telephone call does not know that another call is available to the user.

Paragraph on page 7, line 19:

Fig. 2(d) shows an embodiment in which a requester's system [236] 226 connects to a target's system 232 (or a target's proxy) via a network [234] 224, but in which the requester system connects to the target only via a telephone. For example, the requester may not have a software client installed on his computer. The requester can still indicate availability by calling the target system or a central server acting for the target (or the

requester) and entering touch tones. Alternately, a target system can be a specially adapted telephone.

Paragraph on page 7, line 25:

Fig. 2(e) shows an embodiment in which a requester's system [242] 252 connects to a target's system [246] 256 via a network [244] 254 and in which a central server coordinates the management of calls for the user systems. In at least one embodiment, the queue of waiting messages and databases for priority and sorting are located on the central server.

Paragraph on page 8, line 5:

Fig. 3 is a flow chart showing a method for requesting and completing a realtime message (RTM) between a requester and a target. (An RTM is also referred to herein as a "call" because many embodiments of the invention, the purpose of the embodiment is to mediate telephone calls.) Examples of realtime messages include telephone calls, face to face meetings, and conference calls between two or more people. In element [304] 302 of Fig. 3, a requester sends a message requesting a realtime meeting. This request is sent to one or more targets. Alternately, targets and requesters may be associated with each other in an arbitrary graph based on requests between parties. For example, user A may request a meeting with user B, and B may request to add user C. All three parties would become parties to the meeting.

Paragraph on page 14, line 25:

In element [808] 810, when the call ends, the system signals the end of the call to other servers and dequeues the call from the pending call list. Certain embodiments also log the call. In certain embodiments, the system also must explicitly state that its user is available.

Paragraph on page 8, line 22:

Fig. 4 is a flow chart showing queuing an RTM request. The queues generally reside on the user's systems. In a system with optional servers, if a user system receives

an RTM request from user A to user B, the system looks up servers that handle requests to call user B in element 402. [In element 406, if] If the system of user B does not accept the call in element 404, the system informs user A that the RTM request is denied in element 406. Otherwise, in element 408, the RTM request is recorded on user A's server and the system asks B's servers to record an RTM request from user A in element 412. The event is redisplayed in element 414.

IN THE ABSTRACT

A computer-implemented method and system for assisting in the intermediation of realtime meetings, including telephone calls and face to face meetings. A user informs his system that he wishes to, for example, make a telephone call. The system sends a request for a realtime meeting to the specified target. Both the target and the requester queue the request. When both the requester and the target are mutually available, the realtime meeting can take place. Some embodiments cause this to happen automatically, some prompt the user to take action, such as dialing the telephone. [Some embodiments allow the user to choose from among queued requests.]

IN THE CLAIMS

1. (Once amended) A computer-implemented method for the intermediation of real time meetings, comprising:

receiving an indication by a requester system that a requester wants to request a realtime meeting with a target;

sending to the target a request to conduct a real time meeting;

after sending the request, sending by the requester a status of the requester;

queuing the request by the requester system; and

connecting the requester and the target when the requester and the target are mutually available.

42. (Amended) The system of claim 32, wherein the deciding agent is further adapted to receive an indication that the requester party and one or more target parties are available by monitoring the activity of the requester party and one or more target parties.

Here are my notes from today...

To sum up the difference between our invention and Vardi and other earlier or concurrent inventions, the most succinct means is this.

Key Differences:

A queue of requested calls (as opposed to status requests or call-back requests)

The queue controls the sending of status, causing it to be sent, rather than causing it to be requested

The queue is task-oriented rather than buddy-list oriented as described in Vardi. When you have completed a call, normally it is done and removed from the queue.

Our system primarily works by the initial _call_ requester sending

status to the target's decider as it changes. The initial _call_ requester is never a _status_ requester, asking for the status of the target's line as in Vardi.

Vardi glosses over entirely the target receiving status from the initiator of the call. The examiner must be assuming it's the same as the system described for the requester to get status of the target. If so, it's not the same as our tool, where the requester automatically sends status and updates it as part of locally queuing the call and having it in the local queue.

Our system is not contingent on a "call-back", ie. the phone of the target calling the phone of the initiator. Instead it calculates the most appropriate endpoints and has one call the other. The norm, for cost reasons, is for the initiator's equipment to dial the target's, and pay for the call.

In Vardi, a call-back can not be requested until one has queried the status of the user who will call you back. This is not true in our system and may be the best way of getting our existing claims approved.

In effect, their system is effectively ICQ with a call-back feature added.

Extensions to our invention (queues, deleting, detection of mutual availability on a non-conference call) are not obvious. Even 5 years after ICQ filed the Vardi patent, they still have not implemented any of it in their system. Documentation on their current telephony interfaces can be

found at:

www.icq.com/telephony/call-request.html

problem In fact, playing phone tag is now almost a century-old

which has cried out for a solution, which we present. Online "presence" indicators date back to the 60s or earlier, and online presence over the internet was created in the 1971 by Les Earnest (a friend of mine, and on the Angel Investor list for the company, as it turns out, and I only just found out in my research that he was the one to start it.

If the inventor of network presence thinks what I'm doing is novel that's pretty good evidence it is.)

Things to add to our independent claim;

The queue, possibly including deleting

The requester of the call sending status, no queries

Question:

Would it be odd to offer the examiner a demo? Ie. a place where the examiner could download some software and instructions and see the invention in action? Or would they not do this for security reasons? We don't have a web-only version but it's on our list. What about a demo recorded by one of those demo recording programs into a flash program or similar.

In An embodiment of the invention, normal operation is that the party who wants the call starts sending status to a decider, which normally is a system operated for or by the target. This status is sent by the requester when a call (not status) is first requested, and if it should change. The target does not, and is unable to request the status of the caller, and the caller does not and is not able to request the status of the target. Indeed, in the basic embodiment, the caller never sees the status of the target until such time as it is decided both parties are in and the connection is made, which implicitly reveals that status.

There is no "presence server" style system, described in Vardi as an "apparatus for processing said status request" because there are not status requests.

How does this work? The queue is essential. When party A requests to call party B, all that happens at first is that the parties remember this request. A Remembering it triggers A's system to send B the status when it changes, and B remembering it causes B's system to accept those requests and combine them with its knowledge of B's status to make a decision.

(As we wrote it, this deciding agent can also be independent from B, and

thus also be receiving B's status as it changes, but this was to make the patent more broad.)

This is novel because existing systems (even to this day and certainly at the time of filing of these two patents) do not have a means to allow party A to call party B when A is not known to B -- other than by having B give up all privacy and offer status to anybody who requests it.

That's because in existing art, party A can request to put B on her buddy or contact list and thus see B's status, but only if B consents after the fact or if B consents to the whole world seeing his status.

Party A can not push herself onto B's buddy list without B's consent, to thus show B her status. B must again manually consent, or be willing to allow the world to add themselves to his list.

To express An embodiment of the invention in terms of a system like ICQ or similar systems, it would be as though:

- a) Anybody in the world can add themselves to your buddy list, but only so you see their status, not so they see yours.
- b) Your system is set up so that if anybody does this, it combines their status with what it knows of your own status and then
- c) If both are mutually available automatically sends a message to the calling party with your current phone number or internet phone address or other channel
- d) The other party's system, getting that message, dials the call.

(Plus a great deal more not noted in the patent -- Maps of available devices, constant updates of those, exchange of various levels of information, picking the best device for call etc.)

.....older

Ok. I have the notes on the claims written up. The group of independent claims at the end of the patent are actually totally unrelated, they are claims for a system that would give you a telephone buddy list, so you could enter a set of phone numbers and see the status of those phones on your client or cell phone. So they are not an issue. There are only 2 independent claims in the patent.

Claim 1 is, in effect, a description of:

A phone line with a status that can be calculated and communicated to a computer B.

A way for another computer A, using a network, to ask computer B about the status of the phone line, using its phone number.

This is a very simple system, and really is nothing more than having

a lite on your phone that tells you if somebody else's line is also in use. Thus this claim should have been denied with prior art or obviousness.

You had said that I need not worry about all the dependent claims if I do not infringe the independent claim. What if the independent claim is invalid, but is novel when combined with a dependent claim?

Claim 30, the other independent claim, is again simple, and is in fact pretty much the same invention. The only difference from the light on your console showing if a line is in use is that you make the request using the phone number.

Curiously, one could imagine prior art on this going back to the original phone switchboard, where you had a series of jacks, each marked with a number, with a light on top to tell you if it's in use and the operator could tell, by number, the status. No computer of course and no network in this case!
.....
Oldest

That patent is pretty obfuscated, but it seems to focus entirely in its claims on pretty different stuff. In particular, it is concerned with telephone line status at all times, while our system is concerned with the availability of the party (for which whether a line is busy is just one possible input on that.)

I don't think if the examiner understands my invention they will think they are the same, but I will need to read more and try to really understand the other's claims.

Thanks. The issue as I see it is splitting into two patents would add a full set of office actions and responses, presumably 10 grand or more in fees on a patent that's blown the budget until funding appears.

(Though I am more optimistic about that)

Another option as I saw it was a claim rewrite that makes it clear that the division the examiner sees is nonsense. The concept in the invention is to detect the mutual simultaneous availability of a group of people who are queued to talk to one another (have a real time meeting as I wrote it) and doing it for just 2 is simply a very common instance of this, at least as the patent is written. Though I have to admit that the product starts by doing 2 and will expand to do more.

It's worth noting that there is talk by competition of doing the conference call feature already, though I have not seen anybody implement it, nor

have I seen anybody write about it prior to my preliminary filing or date of invention.

However, another option is to abandon the other half to the whim of the examiner. Can I re-file with just the first set of claims and simply "not do anything" for a while on the other claims? Or must both be filed right away?

Or can I amend the patent with the first 17 claims, file a split off patent, but wait a long time for the office action on this, so that if there is no funding by then, I abandon it (USA only) then.

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